

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

November 21, 2013

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on November 7, 2013 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Calnon; Seconded by Councilor Carpenter
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending November 20, 2013 in the amount of \$ 249,003.65 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Case
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of November 7 - 20, 2013
- Report from the Building Inspector's Office November 19, 2013
- Statement from the City Clerk's Office of all monies received during the month of October 2013 in the total amount of \$11,022.53
- Finance Department Statement of Revenue and Expenditures for the months of October 2013
- Report of Public Hearing held by the Zoning Board of Appeals on November 18, 2013
- Report from the Parking Violations Bureau for October 2013

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Calnon
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 710,523.00 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Case
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Chris Bleaux President AFSCME Local 788 wanted to thank this body for consideration of the agreement tonight with our Union especially Mayor Kasprzak and members of the city team; Mike, Richard and Ann. I've been doing this for a long time and it always amazes me how I leave the table with a feeling like did I forget something. Sort of an empty feeling in a way not a very good feeling but a good feeling that it is done and over with. I realize the city probably feels the same way. We all have agendas. We all don't get what we want and that's the way it ought to be really in negotiations and I thank you all for that. And I represent the membership about 90% that voted for the contract that agree with that. It was a learning experience for me this time around especially; therefore, I felt the membership should learn as well. And that's why I brought most things to a vote. Again, I thank you very much.

Mayor Kasprzak said Thank you.

7. OTHER ITEMS:

A. RESOLVED: that the Memorandum of Agreement between the City of Plattsburgh and AFSCME Local 788 for a five year term retroactive to July 1, 2010 and continuing through June 30, 2015 shall be and hereby is ratified and approved and the Mayor shall be and hereby is authorized to execute a collective bargaining agreement containing its terms on behalf of the City.

By Councilor Calnon; Seconded by Councilor Carpenter
Discussion:

Councilor Carpenter said I just want to congratulate both Unions that we are talking about tonight. Both Union negotiating teams and the City negotiating teams for coming up with two contract in a very tough time. Both contracts look very equitable to both sides it impresses me you guys did a great job. Congratulations.

Councilor Calnon said I think that one of the things we talk about a lot in negotiations is kind of what Chris was getting at. We may not exactly like it but we can live with it. I think that both sides can live with this agreement. I'm absolutely relieved as we said last year when we imposed a contract that we would much rather negotiate one. Very happy that we reached a successful negotiation. I think as Chris mentioned all the folks on the city negotiating teams as well as the folks on the union negotiating team need to be congratulated. Very tough job and very well done.

Councilor Jackson said I just kind of took a poll and I don't know the numbers off the top of my head. I went thru and the 2 contracts that we negotiated are our 2 biggest Unions. Which I think is great. There's 196 full time employees in the City of Plattsburgh not counting management and these 2 agreements take care of 126 of those employees. I think that is a great thing and I want to Chris and I know Shaun Luck's not here and the Police negotiating team and the AFSCME negotiating team. I'm more than happy and willing to vote in favor of this.

Mayor Kasprzak said Chris you mentioned a learning experience. I had the opportunity when I was on the Council many years ago to be part of some negotiations. Government is not easy. Everybody feels like their view point is supposed to be the most important. There's a lot of things that are said and written and a lot of misinformation. But the bottom line is throughout the entire process you and your team were absolutely respectful, professional. As well as the Police Chief and I told Shaun Luck that and his team as well. The results are our contracts that are fair to, I believe, all involved. And I think that's the most important thing. Did you feel that you received everything that your membership wanted because you represent a lot of people? No. Do I think that what we negotiated everybody that I represented received everything that they felt was important? No. But the bottom line in all of this is we got it done. We got the Police contract settled. And I think it's good for the City of Plattsburgh for all of the employees. And I truly appreciate and respect all of the people that were involved from all sides on working on these things. I fully support both contracts, obviously, and I hope the Council does as well. I thank you and your membership too.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: that the Memorandum of Agreement between the City of Plattsburgh and the Plattsburgh Police Officers Union, Council 82, Local 812 for a four year term retroactive to January 1, 2013 and continuing through December 31, 2016 shall be and hereby is ratified and approved and the Mayor shall be and hereby is authorized to execute a collective bargaining agreement containing its terms on behalf of the City.

By Councilor Jackson; Seconded by Councilor Calnon
Discussion:

Councilor Calnon said in addition to the comments I made before I want to thank all the parties that were involved in the Police negotiations as well. One of the things that I think is very important and Chris's point about the percentage of the work force that this represents is particularly important. One of the things that drives us crazy when we're trying to do a budget is uncertainty. That's why we

have contingencies. That's why we have fluff in some places in our budgets. Because we can't always predict the future. Having signed Union contracts gives us some clarity. The nice thing is the new Council coming in will not have to negotiate the AFSCME contract until their final year and may not even see the Police one until the following term. So I think that's the kind of continuity that will help us through some pretty difficult budget times in the future. So again Kudos to Police as well.

Mayor Kasprzak said I concur as well. This is a good contract as well for everybody and I appreciate all the efforts by that negotiating team too.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. MAYOR HANDS DOWN THE PERMANENT APPOINTMENT OF KATHY LIVINGSTON TO THE POSITION OF ASSESSOR EFFECTIVE MONDAY, DECEMBER 2, 2013 EXPIRING SEPTEMBER 30, 2019. THE POSITION IS SET AT RANGE 5, STEP 6 OF THE MANAGERIAL SALARY SCHEDULE WITH THE STANDARD 52 WEEK PROBATIONARY PERIOD.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves a leave of absence for Kathy Livingston from her position as Real Property Tax Assistant effective December 2, 2013 until her probationary requirements are completed.

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the New Jerusalem Baptist Church at 83 Oak Street to create a second driveway off of Oak Street. This action is not permitted per Zoning section 270-21 D but can be varied, waived or modified by ordinance by the Common Council.

By Councilor Case; Seconded by Councilor Jackson

Discussion:

Councilor Jackson said I applaud them for what they are trying to do making their building more handicapped accessible which is pretty much the main reason for this and I will support it.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: After a review and comparison of the respondent presentations, it is recommended by Mayor Donald Kasprzak to award First Niagara Benefits Consultants a three year contract providing Health Care Broker Services to the City of Plattsburgh based on their response to the City's RFP for those services.

By Councilor Calnon; Seconded by Councilor Carpenter
Discussion:

Mayor Kasprzak said I would like to thank Richard for all your efforts in this. It was a lot of work and I believe we did an outstanding job in seeking as many proposals as possible. I want to thank you and your staff for handling this and the Council members that were a part of this as well. This is a major decision and one that I think is the right one and I am glad that we're naming First Niagara with your support.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves Change order #1 for PMLD # 2013-6-1 "St. Lawrence 1 and 3 Substation Upgrades – Phase 2 – Testing and Commissioning" at a cost of \$37,396.92.

By Councilor Jackson; Seconded by Councilor Rabideau
Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2013 General Fund Budget through a transfer of funding from Community Development payroll appropriations to Building Inspector Department over time appropriations as per the attached memo. The transfer will not change the total 2013 budget.

By Councilor Rabideau; Seconded by Councilor Tiffer
Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves Marjorie Long Heatherton and Derek Rosenbaum to host the ALS Walk of Hope at Trinity Park, MacDonough Park and City Hall grounds on May 24, 2014. Lower Court Street and Trinity Place would be closed to vehicle traffic to accommodate a festival and gathering of supporters. In addition, the walk would utilize sidewalks on Cornelia Street, Beekman Street, Broad Street, Margaret Street, Bridge Street, and City Hall Place.

By Councilor Carpenter; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

J. RESOLVED: In accordance with the request therefore the Common Council approves HRLF loans for projects HRLF 2013-1 and HRLF 2013-2 on the terms set forth in reports from the Corporation Counsel dated November 4, 2013 and November 18, 2013, a copy of which has been submitted to the Common Council and is ordered made a part of the minutes of this meeting.

By Councilor Carpenter; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

K. RESOLVED: In accordance with the request therefore the Common Council approves the Municipal Lighting Department be permitted to proceed with the write-off of unpaid final bills for the period September 1, 2012 to September 30, 2012 in the amount of \$2,688.22. The percentage of write-offs for this period is .31%.

By Councilor Jackson; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

L. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2013-14R "City Beach Entrance Improvements" be awarded to Northern Snow & Dirt Inc. for the total bid price of \$121,000.

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(Councilors Carpenter, Tiffer, Rabideau, Calnon and Jackson voted in the affirmative. Councilor Case voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

M. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2013-20A "Survey for City Streets" be awarded to Machabee Land Surveying for the quoted price of \$10,365.

By Councilor Rabideau; Seconded by Councilor Tiffer

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

N. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise PMLD Bid No. 2013-11-2 "46 kv Instrument Transformers." Bid opening date: January 7, 2014 at 11:00 am.

By Councilor Jackson; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

O. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise PMLD Bid No. 2013-11-1 "46 kv 3-way Transmission Line Switch." Bid opening date: December 17, 2013 at 11:00 am.

By Councilor Jackson; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS:

Councilor Carpenter said I've been to a lot of these meetings. I'm really happy about tonight. Tonight we closed up 2 Union contracts which is huge for the Council in the future. What Jim said is right it gives them a very firm basis on which to base their budget. We took care of insurance for the employees for 3 years which again gives us a firm place in which to budget for the future Councils. We could spend 4 years and \$100,000 searching for a new Assessor and we couldn't find one better than the one that was appointed tonight. I'm very happy that it went that way and congratulations, thanks Kathy and good luck.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
MEETING ADJOURNED: 5:47pm

JOHN E. CLUTE, ESQ.
CORPORATION COUNSEL
CITY OF PLATTSBURGH

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November 4, 2013

To: Mayor and Council

From: John E. Clute

re: 2013 HRLF applications

Project Summary

The City has received two (2) preliminary applications for construction and long term financing to build or rehabilitate apartments for rental to low to moderate income persons. Both buildings are severely fire damaged and have been unoccupied for at least two years. Demolition/construction has begun on both projects. The developers/borrowers are experienced in this type of construction.

HRLF 2013-1

Location: 18 Stetson Ave.

Developer/contractor: Michael Racine (Mr. Racine has had several loans from the City for similar projects which have an excellent payment history.)

Project Description: substantially renovate fire damaged home to create two 3 bedroom apartments. Prior to fire property had assessed value of \$156,100. Loan request and maximum permitted loan amount is \$55,000. The cost of rehabilitation is roughly estimated to be \$100,000. The City loan (if approved) will be secured by a first mortgage lien on the property. The loan will be personally guaranteed by the owner of the property. Demolition and framing has begun.

The project is projected to generate cash flow after operating expenses and debt service equal to 30% of gross income.

HRLF 2013-2

Location: 157-59 Oak Street.

Developer/contractor: Dan Dessureault and Michael Matthew (partners). Dan Dessureault is a general contractor who has successfully completed several City financed residential renovation projects in the past ten years.

Project Description: substantially renovate fire damaged home to create two 3 bedroom apartments. Prior to fire property had assessed value of \$150,000. Loan request amount is \$35,000. The cost of rehabilitation is roughly estimated to be \$90,000. The City loan (if approved) will be secured by a first mortgage lien on the property. The loan will be personally guaranteed by the owners of the property. Demolition and framing has begun.

The project is projected to generate cash flow after operating expenses and debt service equal to 40% of gross income.

Comment: The City has detailed guidelines and forms for economic development loans, but has not revised its housing rehab loan guidelines and forms. In cases where the City is asked to take a subordinate lien position, detailed personal financial statements, credit reports, collateral value estimates are advisable and typically required. On these two projects, the City's first lien position on a property that will have a completed value approximately 3x the loan amount (approx. 33% loan to value ratio). Loan recommendations will likely be made based on the project value without an in depth review of the borrowers personal finances.

cc. K Primard

report sent by electronic mail on November 4, 2013

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November 18, 2013

To: Mayor and Common Council

from: John E. Clute

re: 2013 HRLF loan applications
HRLF 2013-1
HRLF 2013-2

Reference is made to the 11/4/2013 report concerning the above. This memorandum outlines the proposed loan terms.

The Lake City LDC loan committee has been apprised of the loan terms, but has not met and made a formal recommendation. In view of the status of construction (both projects are underway) and considerable owner equity in the properties, it is recommended the Council approve the loans without a formal LDC recommendation.

HRLF 2013-1

Property address	18 Stetson Ave
Borrower	Michael Racine
Loan Amount	\$55,000
Interest Rate	$\frac{3}{4}$ of the Wall Street Journal Prime Rate. The current (2013) interest rate is 2.4%; interest only for 6 month construction period;
Term	15 years; balloon payment at end of 10 years
Security	1 st mortgage lien; personal liability or guarantee by borrower

Scope of Work	substantially renovate fire damaged home to create two 3 bedroom apartments
Loan Conditions	Current title report
	1 st mortgage
	Building Loan Agreement
	Loan advances based on % of work complete
	Construction budget; satisfactory evidence of owner equity to complete project
	Rent regulatory documents and other standard loan closing documents

HRLF 2013-2

Property address	157-59 Oak Street
Borrower	Daniel Dessureault 392 Rand Hill Rd. Morrisonville, NY. 12962 Michael Matthews 16 Monty St. Plattsburgh, NY. 12901
Loan Amount	\$35,000
Interest Rate	$\frac{3}{4}$ of the Wall Street Journal Prime Rate. The current (2013) interest rate is 2.4%; interest only for 6 month construction period;
Term	15 years; balloon payment at end of 10 years
Security	1 st mortgage lien; personal liability or guarantee by borrowers
Scope of Work	substantially renovate fire damaged home to create two 3 bedroom apartments
Loan Conditions	Current title report
	1 st mortgage
	Building Loan Agreement
	Loan advances based on % of work complete
	Construction budget; satisfactory evidence of owner equity to complete project
	Rent regulatory documents and other standard loan closing documents

PROPOSED RESOLUTION

Resolution Approving HDRLF loans for projects HRLF 2013-1and HRLF 2013-2.

Resolved: The Common Council approves HRLF loans for projects HRLF 2013-1and HRLF 2013-2 on the terms set forth in reports from the Corporation Counsel dated November 4, 2013 and November 18, 2013, a copy of which has been submitted to the Common Council and is ordered made a part of the minutes of this meeting .

cc. Lake City LDC loan review committee